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Banner, R.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :  
Plaintiff, :  
- v. - :  
RUDY KURNIAWAN, :  
Defendant. :

STIPULATION AND ORDER FOR  
PRESERVATION OF  
REAL PROPERTY

12 Cr. 376 (RMB)

-----X  
WHEREAS, on April 8, 2013, RUDY KURNIAWAN, the defendant,  
was charged in a two-count Superseding Indictment, 12 Cr. 376 (RMB)  
with mail fraud, in violation of Title 18, United States Code,  
Sections 1341 and 2 (Count One); and wire fraud, in violation of  
Title 18, United States Code, Sections 1343 and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation  
providing notice of the Government's intent to seek forfeiture of all  
property, real and personal, that constitutes or is derived from  
proceeds traceable to the commission of the offenses;

WHEREAS, on or about December 26, 2013, the Government  
filed a notice of pendency to preserve its interest therein with  
respect to the following:

- a) All that lot or parcel of land, together with its  
buildings, appurtenances, improvements, fixtures,

attachments and easements, located at 9638 East Naomi Ave., Arcadia, California 91007, more particularly described as Parcel# 8383-005-001, Tract# 52901 and Lot#4 (the "Subject Property");

WHEREAS, the defendant is the titled owner to the Subject Property;

WHEREAS, mortgage payments to Wells Fargo Home Mortgage and Wells Fargo Bank, N.A., have been not been made since at least April 2014, thereby incurring fees diminishing that property's value and risking a default on the home loans provided with respect to the Subject Property;

WHEREAS, on the Court entered a Post-Indictment Restraining Order restraining, *inter alia*, all funds on deposit in Wells Fargo Account Number 5488926907 (the "Wells Fargo Account");

WHEREAS, in order to preserve the value of the Subject Property in connection with criminal forfeiture proceedings, the parties hereto wish to release funds from the Wells Fargo Account in order to pay mortgage fees and payments,

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that plaintiff, United States of America, by its attorney Assistant United States Attorney Andrew C. Adams, Rudy Kurniawan, and his counsel, Jerome H. Mooney, III, Esq., that:

1. Counsel for the defendant may cause the release of funds from the Wells Fargo Account solely for the purposes of making,

and only in the amount of, past-due mortgage payments with respect to Wells Fargo Home Mortgage Loan # 0059239582, in name of Rudy Kurniawan, and with respect to Wells Fargo Bank N.A (Home Equity) Loan # 65002587841998, in the name of Rudy Kurniawan.

2. Counsel for the defendant may prospectively cause the release of funds from the Wells Fargo Account on a monthly basis solely for the purposes of making required mortgage payments with respect to Wells Fargo Home Mortgage Loan # 0059239582, in name of Rudy Kurniawan, and with respect to Wells Fargo Bank N.A (Home Equity) Loan # 65002587841998, in the name of Rudy Kurniawan.

3. This Stipulation and Order shall not constitute a reflection on or determination with respect to the parties' respective claims or defenses with respect to the forfeiture of the contents of the Wells Fargo Account or the Subject Property.

4. Each party shall bear its own costs and fees.

5. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By: 

ANDREW C. ADAMS  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-1024/2340

5/16/14  
DATE

RUDY KURNIAWAN

By: 

RUDY KURNIAWAN

5/14/14  
DATE

By: 

JEROME H. MOONEY, III, ESQ.  
ATTORNEY FOR RUDY KURNIAWAN  
Weston Garrou & Mooney  
12121 Wilshire Boulevard, #525  
Los Angeles, CA 90025  
(310) 442-0899

5/8/14  
DATE

SO ORDERED:



HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE

5/21/14  
DATE

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